United Nations S/RES/2138 (2014)

Security Council

Distr.: General
13 February 2014

Resolution 2138 (2014)

Adopted by the Security Council at its 7111st meeting, on 13 February 2014

The Security Council,

Recalling its previous resolutions and statements of its President concerning Sudan,

Reaffirming its commitment to the cause of peace throughout Sudan, to the sovereignty, independence, unity and territorial integrity of Sudan, to the full and timely implementation of resolution 1591 (2005) and recalling the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region,

Reiterating the need for an end to the violence and continued abuses in Darfur and *recognizing* that the Darfur conflict cannot be resolved militarily and a durable solution can only be obtained through an inclusive political process, and, in this regard, *noting* the importance of implementing the Doha Document for Peace in Darfur (DDPD),

Acknowledging efforts made by the Government of Sudan and all parties to the conflict to reach a comprehensive and inclusive solution to the conflict, and in this context, *condemning* the killing of Mohammed Bashar and other members of his movement by JEM – Gibril forces, as well as any act of violence aimed to act as a disincentive to peace efforts in Darfur,

Urging the Government of Sudan, the Liberation and Justice Movement (LJM) and Justice and Equality Movement-Mohamed Bashar (JEM-Bashar) to deliver on the commitments made in the DDPD, and *urging* all parties, in particular other armed movements who have not signed the DDPD, to engage immediately and without preconditions and to make every effort to reach a comprehensive peace settlement on the basis of the DDPD, and to agree upon a permanent ceasefire without further delay,

Emphasizing the imperative for all armed actors to refrain from all acts of violence against civilians, in particular vulnerable groups such as women and children, and from violations and abuses of human rights and violations of international humanitarian law, and the need to address the urgent humanitarian crisis faced by the people of Darfur, including the guarantee of safe, timely and unhindered humanitarian access to all areas by humanitarian agencies and

Please recycle

personnel, while respecting the United Nations guiding principles of humanitarian assistance and the relevant provisions of International Humanitarian Law,

Expressing concern about the external links, in particular military, between non-signatory armed groups in Darfur and groups outside Darfur, and demanding that direct or indirect military support for such armed groups in Darfur ceases, and *condemning* actions by any armed group aimed at forced overthrow of the Government of Sudan, noting there is no military solution to the conflict in Sudan,

Expressing deep concern at the increased violence and insecurity in some parts of Darfur in recent months, including notably the escalation in inter-tribal fighting, *expressing deep concern* that such clashes continue to restrict humanitarian access to conflict areas where vulnerable civilian populations reside, *acknowledging* the efforts of Sudanese authorities to mediate in inter-tribal fighting,

Demanding that the parties to the conflict exercise restraint and cease military action of all kind, including aerial bombardments,

Demanding an immediate and complete cessation by all parties to the armed conflict of all acts of sexual violence against civilians in line with resolutions 1325 (2000), 1820 (2008), 1888 (2009), and 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013); recruitment and use of children in violation of applicable international law, and other grave violations and abuses against children in line with resolutions 1261 (1999), 1379 (2001), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012); and indiscriminate attacks on civilians in line with resolution 1265 (1999), 1296 (2000), 1674 (2006), 1738, (2006), 1894 (2009),

Commending the efforts of, and reiterating its full support for, the United Nations/African Union Hybrid Operation in Darfur (UNAMID), the Joint African Union/United Nations Mediation, the United Nations Secretary-General, the African Union High Level Implementation Panel on Sudan, and the leaders of the region to promote peace and stability in Darfur, and expressing strong support for the political process under the African Union/United Nations-led mediation,

Reiterating its strong condemnation of attacks against UNAMID and its call on the Government of Sudan to swiftly investigate these attacks and bring the perpetrators to justice, and *further reiterating* its call on all parties in Darfur to cooperate fully with the mission, and reaffirms its deep condolences to the Governments and families of those killed,

Reaffirming its concern over the negative effect of ongoing violence in Darfur on the stability of Sudan as a whole, as well as the region, welcoming the ongoing good relations between Sudan and Chad, and *encouraging* Sudan, Chad and the Central African Republic to continue to cooperate in order to achieve peace and stability in Darfur and the wider region,

Expressing concern at the risks to peace and security arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons,

Deploring the continued obstacles that have been imposed by the Government of Sudan on the work of the Panel of Experts during the course of its mandate, including restrictions to the freedom of movement of the Panel of Experts and UNAMID, and limitations on the Panel of Experts' access to areas of armed conflict and areas of reported violations of human rights and international humanitarian law,

while noting improved interaction between the Government of Sudan and the Panel of Experts,

Further deploring incidents of interference by the Government of Sudan with the work of the Panel of Experts, including the denial of entry of the Panel's Finance Expert, as set out in paragraphs 2, 18, and 21 of the Final Report of the Panel of Experts (S/2014/87),

Welcoming the enhanced cooperation and information sharing between UNAMID and the Panel of Experts, called for by the Department of Peacekeeping Operations' guidelines and with the assistance of the UNAMID focal point,

Welcoming the efforts made by the Secretariat to expand and improve the roster of experts for the Security Council Subsidiary Organs Branch, bearing in mind the guidance provided by the Note of the President S/2006/997,

Recalling the 22 January 2014 report (S/2014/87) by the Panel of Experts appointed by the Secretary-General pursuant to paragraph 3 (b) of resolution 1591 (2005) and extended by subsequent resolutions, and *expressing its intent* to further study, through the Committee, the Panel's recommendations and to consider appropriate next steps,

Emphasizing the need to respect the provisions of the Charter concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Reminding all States, particularly States in the region, of the obligations contained in resolutions 1556 (2004), 1591 (2005), and 1945 (2010) in particular those obligations relating to arms and related materiel,

Calling on the Government of Sudan to fulfil all its commitments, including lifting the state of emergency in Darfur, allowing free expression and undertaking effective efforts to ensure accountability for violations and abuses of human rights and violations of international humanitarian law, by whomsoever perpetrated,

Noting that acts of hostility, violence or intimidation against the civilian population, including IDPs, in Darfur and other activities that could endanger or undermine the Parties' commitment to a complete and durable cessation of hostilities would be inconsistent with the Doha Document for Peace in Darfur,

Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the Panel of Experts, originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007), 1841 (2008), and 1891 (2009), 1945 (2010), 1982 (2011), 2035 (2012) and 2091 (2013), for a period of thirteen months, *expresses its intent* to review the mandate and take appropriate action regarding further extension no later than twelve months from the adoption of this resolution, and *requests* the Secretary-General to take the necessary administrative measures, including basing arrangements, as expeditiously as possible;

2. *Requests* the Panel of Experts to provide no later than 31 July 2014, a midterm briefing on its work to the Committee established pursuant to paragraph 3 (a) of resolution 1591 (2005) (hereinafter "the Committee") and a final report no later than 17 January 2015 to the Council with its findings and recommendations;

3. *Requests* the Panel of Experts to provide updates every three months to the Committee regarding its activities, including Panel travel, any obstacles encountered to the fulfilment of its mandate, as well as violations of the sanctions;

4. *Requests* the Panel of Experts to report, in the timeframe identified in paragraph 3, on the implementation and effectiveness of paragraph 10 of resolution 1945 (2010);

Arms Embargo

5. *Expresses its concern* that the direct or indirect supply, sale or transfer to Sudan of technical assistance and support, including training, financial or other assistance and the provision of spare parts, weapons systems and related materiel, could be used by the Government of Sudan to support military aircraft being used in violation of resolutions 1556 (2005) and 1591 (2005), including those aircraft identified by the panel, and urges all States to be mindful of this risk in light of the measures contained in resolution 1591 (2005);

6. *Calls* upon the Government of Sudan to address the illicit transfer, destabilizing accumulation, and misuse of small arms and light weapons in Darfur, and to ensure the safe and effective management, storage and security of their stockpiles of small arms and light weapons, and the collection and/or destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition;

7. *Expresses* its concern that certain items continue to be converted for military purposes and transferred to Darfur, and urges all States to be mindful of this risk in light of the measures contained in resolution 1591 (2005);

Implementation

8. *Condemns* the reported continuing violations of the measures contained in paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005), as updated in paragraph 9 of resolution 1945 (2010) and 4 of resolution 2035 (2012) and *directs* the Committee, in line with its mandate, to respond effectively to such violations;

9. *Expresses its concern* that the travel ban and asset freeze on designated individuals is not being implemented by all Member States, and requests the Committee to respond effectively to any reports of non-compliance by Member States with paragraph 3 of resolution 1591 (2005) and resolution 1672 (2006), including by engaging with all relevant parties;

10. *Reiterates* that all States shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee, and calls upon the Government of Sudan to enhance cooperation and information sharing with other States in this regard;

11. *Urges* all States, in particular those in the region, to report to the Committee on the actions they have taken to implement measures imposed by

resolutions 1591 (2005) and 1556 (2004), including imposition of targeted measures;

12. *Expresses its intention*, following the midterm report, to review the state of implementation, including obstacles to full and effective implementation of the measures, imposed in resolution 1591 (2005) and 1945 (2010), with a view to ensuring full compliance;

13. *Regrets* that some individuals of the Government of Sudan and armed groups in Darfur continue to commit violence against civilians, impede the peace process, and disregard the demands of the Council, *expresses its intention* to impose targeted sanctions against individuals and entities that meet the listing criteria in paragraph 3 (c) of resolution 1591 (2005), and *encourages* the Panel of Experts, in coordination with the Joint African Union/United Nations Mediation, to provide to the Committee when appropriate the names of any individuals, groups, or entities that may meet the listing criteria;

14. *Requests* the Panel of Experts to continue to investigate the financing and role of armed, military, and political groups in attacks against UNAMID personnel in Darfur, and *notes* that individuals and entities who plan, sponsor or participate in such attacks constitute a threat to stability in Darfur and may therefore meet the designation criteria provided for in paragraph 3 (c) of resolution 1591 (2005);

15. *Welcomes* the Committee's work, which has drawn on the reports of the Panel and taken advantage of the work done in other fora, to draw attention to the responsibilities of private sector actors in conflict-affected areas;

Cooperation

16. *Calls on* the Government of Sudan to remove all restrictions, limitations and bureaucratic impediments imposed on the work of the Panel of Experts, including by issuing timely multiple-entry visas to all members of the Panel of Experts for the duration of its mandate, and by waiving the requirement of Darfur travel permits for said Panel members, and *urges* the Government of Sudan to enhance its cooperation and information sharing with the Panel and allow the Panel free and unfettered access to all of Darfur;

17. *Urges* the Government of Sudan to respond to the Committee requests on measures put in place to protect civilians in various parts of Darfur, including those affected by new displacements; investigations conducted and accountability measures undertaken for killings of civilians and perpetrators of human rights violations and abuses and violations of international humanitarian law, investigations conducted and accountability measures undertaken for attacks against peacekeepers and humanitarian personnel; and the situation of civilian populations in areas such as eastern Jebel Marra, where the Panel of Experts, UNAMID and humanitarian agencies and personnel have been denied access, and measures taken to allow timely, safe, and unhindered access for humanitarian relief to these areas, while respecting the United Nations guiding principles of humanitarian assistance and the relevant provisions of International Humanitarian Law;

18. *Urges* all States, relevant United Nations bodies, the African Union and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on

implementation of the measures imposed by resolution 1591 (2005) and resolution 1556 (2004), and to provide timely responses to information requests;

19. *Requests* the Panel of Experts to continue to coordinate its activities as appropriate with the operations of the United Nations/African Union Hybrid Operation in Darfur (UNAMID) and with international efforts to promote a political process in Darfur, and to assess in its interim and final reports progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2005), paragraph 7 of resolution 1591 (2005), and paragraph 10 of resolution 1945 (2010), progress towards removing impediments to the political process, threats to stability in Darfur and the region; violations of international humanitarian law or violations or abuses of human rights, including attacks on the civilian population, sexual- and gender-based violence and grave violations and abuses against children, and other violations of the above-mentioned resolutions, and to provide the Committee with information on the individuals and entities that meet the listing criteria in paragraph 3 (c) of resolution 1591;

20. *Reaffirms* the mandate of the Committee to encourage dialogue with interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures and further encourages the Committee to continue its dialogue with UNAMID;

21. *Decides* to remain actively seized of the matter.